

BOARD OF APPEALS CASE NO. 4814

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BEFORE THE

APPLICANT: Stepney Road Holding LLLP

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ZONING HEARING EXAMINER

**REQUEST: Modification of Case No. 4636
to allow golf course and restaurant to be
used for non-golf related events;
612 Stepney Road, Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 5/13/98 & 5/20/98

HEARING DATE: June 24, 1998

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Record: 5/15/98 & 5/22/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant appeared before the Hearing Examiner requesting a modification of Board of Appeals Case No. 4636 pursuant to Section 267-52(B) and 267-52(C) of the Harford County Code ("Code") to allow the restaurant located on the property to be opened to the public generally and for the restaurant and golf course grounds to be used for non-golf related events.

The subject property is owned by Stepney Road Holding LLLP and is identified as parcel No. 59, in Grid 2C on Tax Map 58. The parcel is zoned R2 and GI.

Carroll Knott, spokesperson for the Applicant testified. She stated that the subject property is the site of the Beechtree Golf Course which was approved in Board of Appeals Case No. 4579 and modified in Case No. 4636. She indicated that the Applicant is requesting approval to open the restaurant located on the property to the public generally and to hold wedding receptions, dinner parties and other functions on the site. Other than requesting approval to open the restaurant and hold these functions, no changes to the approved golf course use are being requested. She indicated that the site is a perfect location for such functions and that the Applicant has already received many requests to hold such functions on the site. She testified that the golf course is open for play year round, weather permitting and that the functions would be held year round on the site.

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She stated that in addition to the approximately 160 parking spaces on site, there are overflow parking areas on the grounds which can be used when the functions are held. Accordingly, there is more than ample parking on the site to accommodate traffic generated from the functions.

Ms. Knott testified that granting the Applicant's request would not cause any harm to anyone in any way as the site was very well suited for the functions.

Denis Canavan, an expert land planner also testified. Mr. Canavan stated that in his opinion the requested modification should be granted as it would not adversely affect the public health, safety and general welfare, would not result in dangerous traffic conditions and would not jeopardize the lives or property of people living in the neighborhood. He indicated that the primary concern regarding the Applicant's request was that there would be sufficient parking on site to accommodate vehicles of guests attending the functions. Mr. Canavan stated that based on his observations of the site and Ms. Knott's testimony, there was more than sufficient parking on the site. He testified that no adverse impact would result from granting the Applicant's request.

No protestants appeared in opposition to the Applicant's request.

The Staff Report prepared by the Department of Planning and Zoning recommended approval without conditions.

CONCLUSION:

The Applicant is requesting a modification of Board of Appeals Case No. 4636 pursuant to Section 267-52(B) and 267-52(C) of the Harford County Code ("Code") to allow the restaurant located on the property to be opened to the public generally and for the restaurant and golf course grounds to be used for non-golf related events.

Section 267-52(B) and 267-52(C) of the Code provide as follows:

- A. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.
- B. Extension of any use or activity permitted as a special exception shall require further Board approval.

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Section 267-9(l) of the Code provides in pertinent part that:

...(t)he Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

Based on the testimony presented and the Staff Report, the Hearing Examiner finds that the request to allow non golf related functions on the site as described by the Applicant's witnesses would not adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. Ample on site parking will be provided and allowing these functions, which are typically conducted at golf courses and country clubs, will not cause adverse impact.

Based on the evidence, it is the recommendation of the Hearing Examiner that the Applicant be permitted to open the restaurant located on the property to the public generally and for the restaurant and golf course grounds to be used for non-golf related events and functions, including, but not limited to, wedding receptions, seated dinner receptions and office parties.

Date JUNE 29, 1998

**L.A. Hinderhofer
Zoning Hearing Examiner**